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Letter dated 24 July 2008 from the Permanent Representative of Eritrea to the United Nations addressed to the Secretary-General

I have taken note of the aide-memoire, dated 22 July 2008, presented by the Department of Peacekeeping Operations of the Secretariat, detailing options on "how the United Nations could most effectively support [Eritrea and Ethiopia] in implementing fully the Algiers Agreements".

From the outset, I wish to emphasize that the only effective support the United Nations, in particular the Security Council, could give is to lend its full support to the impartial and independent arbitration body, the Eritrea-Ethiopia Boundary Commission, and its demarcation decision of 27 November 2007. Indeed, in accordance with the provisions of Articles 2 (3) and 2 (4) of the Charter of the United Nations and article 4 (15) of the Algiers Agreement, it behoves the Security Council to ensure the respect of the sovereignty and territorial integrity of a United Nations Member State.

Sadly, the different options presented previously and more or less repeated in the Department of Peacekeeping Operations' aide-memoire of 22 July totally shun this cardinal matter. The gist and entire focus of the options appear to be geared to prevent a presumed resumption of hostilities through a permanent presence of a United Nations observer force, in effect legitimizing Ethiopia's illegal occupation of sovereign Eritrean territories. The notion of a United Nations special envoy at this late stage of the process further accommodates Ethiopia's persistent request for an alternative mechanism to tamper with and modify the delimitation and demarcation determinations of the Eritrea-Ethiopia Boundary Commission. The Security Council clearly cannot entertain or indulge in this grave breach of the Algiers Agreement.

Eritrea cannot accept this state of affairs for all the cogent reasons cited above. Eritrea will have no problem in restoring good-neighbourly relations with Ethiopia. We are neighbours destined to live together and in harmony with the people of Ethiopia. We do not wish to live in permanent tension or under a tenuous peace that is maintained and monitored by a third force.

For this to happen, Ethiopia must withdraw its troops from sovereign Eritrean territories. Ethiopia's illegal occupation of Eritrean territories in violation of the Charter of the United Nations and the Algiers Agreement is the real obstacle that remains to be addressed. Eritrea expects and calls on the United Nations institutions to channel their efforts towards addressing this cardinal obstacle.

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I should be most grateful if this letter and the letter from the President of the Eritrea-Ethiopia Boundary Commission (see annex) could be circulated as a document of the Security Council.

(*Signed*) Araya **Desta**
Ambassador
Permanent Representative

Annex to the letter dated 24 July 2008 from the Permanent Representative of Eritrea to the United Nations addressed to the Secretary-General

Letter dated 18 June 2008 from the President of the Eritrea-Ethiopia Boundary Commission to the Agent for the Government of Eritrea

Winding up of the operations of the Commission

It is now over six months since the expiry of the period which the Commission indicated in its Statement of 27 November 2006 and during which the Commission had hoped that the Parties would either themselves proceed to the placing of pillars on the ground or allow the Commission to do so. As there has been no communication from the Parties, the Commission must now reach the conclusion that the boundary stands demarcated in accordance with the coordinates annexed to that Statement, that no further activity on its part is called for and that it should therefore take the few final steps involved in winding up its operations. These include the return of physical assets to the United Nations and the preparation of final accounts.

If I do not hear from you to the contrary within the next two weeks I will take it that you see no objection to this procedure.

(*Signed*) Eli **Lauterpacht**
President